

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	
)	CIVIL ACTION: 01-CV-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
ALL CLASS ACTIONS)	
)	

**PLAINTIFFS' L.R. 7.1 MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM
FOR A PROTECTIVE ORDER CONCERNING NOTICES OF DEPOSITION AND
SUBPOENAS ISSUED BY DEY TO FALLON COMMUNITY HEALTH PLAN AND
ABBOTT LABORATORIES TO HARVARD COMMUNITY HEALTH CARE**

Pursuant to L.R. 7.1(B)(3), plaintiffs respectfully move to file a brief reply to Dey, Inc.'s and Abbott Laboratories' Memorandum of Law in Opposition to Plaintiffs' Motion for a Protective Order Concerning Subpoenas Issued to Certain Absent Class Member Third-Party Payors. The purpose of this request is to address defendants' misstatements about rulings concerning the scope of Case Management Order no.10 entered March 4, 2004. Plaintiffs' reply memorandum is submitted herewith.

Wherefore, for the foregoing reasons, plaintiffs respectfully request that this motion be granted.

Respectfully submitted,

By /s/ David S. Nalven

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Dated: December 1, 2005

CERTIFICATE OF SERVICE

Docket No. MDL 1456

I, David S. Nalven, hereby certify that I am one of plaintiffs' attorneys and that, on December 1, 2005, I caused copies of the Plaintiffs' L.R. 7.1 Motion for Leave to File a Reply Memorandum for a Protective Order Concerning Notices of Deposition and Subpoenas Issued to

Fallon Community Health Plan, Inc. and Harvard Community Health Care, Inc. to be served via Lexis/Nexis File Serve on all counsel of record.

/s/ David S. Nalven

Dated: December 1, 2005